

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MEL M. MARIN,
Plaintiff

v.

JOE SCHMIDER,
Defendant

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No. 1:14-cv-1523

(Judge Kane)

(Magistrate Judge Schwab)

ORDER

Before the Court in the above-captioned action is the September 14, 2016 Report and Recommendation of Magistrate Judge Schwab. (Doc. No. 85.) No timely objections have been filed. **ACCORDINGLY**, this 4th day of October 2016, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

1. The Court adopts the Report and Recommendation (Doc. No. 85) of Magistrate Judge Schwab;
2. Defendant's motion to dismiss Plaintiff's amended complaint (Doc. No. 74) is **GRANTED**;
3. Plaintiff's federal law claims are **DISMISSED WITH PREJUDICE** as the Court finds that granting Plaintiff further leave to amend would be futile;
4. Given the Court's dismissal of Plaintiff's federal claims, the Court declines to exercise supplemental jurisdiction over Plaintiff's state law invasion of privacy claim, and therefore, Plaintiff's state law claim is **DISMISSED WITHOUT PREJUDICE** to Plaintiff refiling his claim in state court; and
5. The Clerk of Court is directed to close the above-captioned case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania